

Remarks/Arguments:**A. Status of the Claims**

Claims 1-84 were pending when the Office Action dated November 16, 2005, was mailed to Applicants. Claims 1, 7, 45, 47, 49, 57-60, 64, and 82-84 have been amended, claims 39-44, 50-56, 69-73, and 75-81 have been canceled, and claims 85-112 have been added. Support for the revised claims and the new claims can be found throughout the specification and claims as originally filed. No new matter has been added. Therefore, claims 1-38, 45-49, 57-68, 74, and 82-112 are currently pending.

B. Information Disclosure Statement

The Examiner indicates that the Supplemental Information Disclosure Statement ("SIDS") submitted on October 13, 2005 contains only page 1 of 7, and therefore requests that missing pages 2-7 be submitted. Applicants note that a typographic error was made on the submitted PTO -1449 Form. Specifically, there is only one page to the Form and it lists all of the submitted references (*i.e.*, C28-C30). Therefore, Applicants request that the objection to the SIDS be withdrawn.

C. The Anticipation and Obviousness Rejections Are Rendered Moot

Claims 1-9, 30, 35-36, 53-54, 56, and 83 are rejected under 35 U.S.C. § 102(b) as being anticipated by Devaux *et al.* Claims 1-12, 15-20, 26-27, and 83 are rejected under 35 U.S.C. § 102(b) as being anticipated by Davis *et al.* Claims 1-10, 12, 17-18, 30-31, 42-44, and 82-83 are rejected under 35 U.S.C. § 102(b) as being anticipated by Kondo *et al.* Claim 84 is rejected under 35 U.S.C. § 103(a) as being obvious over Davis *et al.* in view of the Stratagene Catalogue.

Applicants disagree. These claims are not anticipated or rendered obvious. However, in an effort to further the prosecution and secure prompt allowance, independent claims 1 and 82-84 have been amended to incorporate the subject matter of claims 13, 21, 23, and 45 in an

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alternative format. Additionally, newly added independent claims 109 and 110 incorporate the subject matter of claims 28, 29, and 34, respectively.

Because claims 13, 21, 23, 28-29, 34, and 45 are not rejected by the above cited references, the present anticipation and obviousness rejections under 35 U.S.C. §§ 102(b) and 103(a) are rendered moot. Therefore, Applicants request that these rejections be withdrawn.

Applicants note that the amendments to the claims should not be construed as an acquiescence to the rejections. Applicants reserve the right to file a continuing application directed to additional subject matter in the future.

D. The Double Patenting Rejections Are Overcome

There are four separate obviousness-type double patenting rejections. Applicants are filing the appropriate terminal disclaimers along with the present response. In view of this, the obviousness-type double patenting rejections are overcome and should be withdrawn.

E. Conclusion

Applicant believes that this document is a complete response to the Office Action mailed November 16, 2005. The present claims are in a condition for allowance and such favorable action is requested.

The Commissioner is hereby authorized to deduct any fees required by 37 C.F.R. §§ 1.116 to 1.21 as a result of the filing of this paper, including the terminal disclaimer fees required by 37 C.F.R. § 1.20(d), from Fulbright & Jaworski Deposit Account No. 50-1212/AMBI:089US.

The Examiner is requested to contact Applicant's representative at (512) 536-3035 with any questions or comments concerning this application.

Respectfully submitted,



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